

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff/Respondent,

v.

HOUSTON NATHANIEL, III,
Defendant/Movant.

Case No. 12-cr-00574-PJH-2

**ORDER STAYING AND HOLDING
§ 2255 MOTION IN ABEYANCE**

Re: Dkt. No. 469

In light of the order issued by the Ninth Circuit in *United States v. Begay*, No. 14-10080 (9th Cir. Dec. 5, 2019), holding that case in abeyance pending disposition by the Supreme Court of *United States v. Walker*, No. 19-373, or disposition by the Ninth Circuit of *United States v. Orona*, No. 17-17508, and given the narrow appointment of counsel as limited to petitioning the court for sentencing relief in light of *United States v. Davis*, 139 S.Ct. 2319 (2019), the court STAYS the proceedings on the 28 U.S.C. § 2255 motion filed by defendant Houston Nathaniel, III; VACATES the pending filing deadlines; and HOLDS THE § 2255 PROCEEDINGS IN ABEYANCE.

The court further ORDERS that upon issuance of a decision in *Walker*, *Orona* or *Begay*, the government shall file a status report to notify the court and propose a briefing schedule on the § 2255 motion after conferring with appointed counsel.

IT IS SO ORDERED.

Dated: January 3, 2020

/s/ Phyllis J. Hamilton
PHYLLIS J. HAMILTON
United States District Judge